EXCISE DEPARTMENT.

SALE OF ENGLISH DRAUGHT BEER TAVERNS IN THE BOWRINGPET TALUK FOR HALF YEAR (FROM 1ST JANUARY TO 30TH JUNE 1911).

Notice No. 4622, dated 13th November 1910.

1. Notice is hereby given that the exclusive privilege of selling English Draught Beer or Porter in the tavern established in the Kolar Gold Fields for the six months beginning with 1st January 1911 and ending with 30th June 1911, will be sold by public auction on the date and at the place mentioned below, by the Deputy Commissioner of the District concerned or other officer authorized by him.

2. The exclusive privilege will first be put up to auction at an upset price fixed at Rs. 100 per mensem. If there are no bids for or above the upset price, then it will be put up to auction at the upset price of Rs. 25 per hogs-head of Beer or Porter which will be sold in the tavern.

3. Each bidder at the auction shall deposit a sum of Rs. 100 or such other reasonable amount as may be fixed by the officer conducting the sale, previous to bidding. The tavern will be knocked down to the approved highest bidder, subject to the formal confirmation by the Deputy Commissioner, who will be at liberty to accept or reject the bid at discretion, without assigning reasons for the same. Such formal confirmation will, unless revised by Government, be tantamount to an acceptance of the bid. Parties intending to bid must attend either in person or by duly accredited agents.

4. As soon as the auction is completed, the deposits made by the unsuccessful bidders, will be returned to them.

5. The person to whom the tavern has been knocked down, shall be required to leave his address with the sale-conducting officer in order that the confirmation of the sale may be communicated to that address, and within seven days after service of the said notice by its presentation to the purchaser or any adult male member of the family at the place of the said address or by its being affixed thereto or by its forwardal duly registered by post, deposit such further sum as, with the first deposit, will make up a total security of Rs. 200 for the tavern knocked down to him or such other reasonable amount as may be fixed by the Deputy Commissioner according to the value of the tavern; and shall take out licenses and execute counterpart-engagements, on the conditions hereinafter set forth. On the failure of any person to make the deposit or to take out license or to execute the counterpart-engagement, as aforesaid, the tavern will be resold at the risk of such person, or will be otherwise disposed of at the discretion of the Deputy Commissioner. In the case of the purchaser's death after the confirmation of the sale, it will be binding on his heirs or assigns.

6. Resales effected under para 6 *supra*, will be at the risk of the defaulting bidder, who shall forfeit all gain; and in the event of a loss by resale or other disposal, he shall make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale or by disposal otherwise. In the latter case, the forfeited deposit shall be deducted from the loss arising from the resale or other disposal, and the remainder, if any, shall be recovered from the bidder in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposit be greater than the loss by resale or other disposal, the whole of such deposit shall be credited to Government.

7. The license to be taken out under para 5 above, shall be subject to the following conditions, namely:—

(1) The privilege conferred by the license extends to the sale of English Draught Beer or Porter brewed in England or on the Continent, approved by Government.

(2) The tavern shall be maintained in or close to the existing tavern as may be determined by the Deputy Commissioner.

(3) The amount payable for each month on account of the number of hogsheads of Beer or Porter sold, shall be paid into the Taluk Treasury in the first week of the following month, on the challan prescribed for the purpose. But if the tavern is sold on the rental system the khist of the month falls due on the 20th day of the month according to General Condition 27 applicable to all Excise and Opium Licenses published in Notification No. 7993, dated 23rd March 1910. The security deposit shall be taken towards the amount due for the last two months of the period of the lease. Failing payment as above, the Deputy Commissioner shall at once proceed to recover the arrears together with interest at the rate of one pie per rupee per mensem or part thereof under the

rules in force for the collection of land revenue. No remission or abatement of the Government dues shall, on any account whatever, be claimable by the licensee.

(4) The licensee shall further pay a duty of two annas and one pie and a half for every gallon of English Draught Beer or Porter imported by him.

(5) The consignment of English Draught Beer or Porter purchased by the licensee, shall, on arrival, be inspected by the Amildar or an Excise officer at the Railway Station. The invoice covering the consignment shall be duplicated, the original being sent to the Amildar of the taluk, and the duplicate to the Excise Commissioner. On the duty at the abovementioned rate being paid by the licensee on the prescribed challan, the Amildar shall allow the licensee to remove the consignment to his tavern upon a pass signed by the Amildar or other officer authorized in this behalf.

(6) The licensee shall use such measures as may from time to time be prescribed by Government, and provide himself with the printed forms of accounts and permits or passes for transport of Beer or Porter, which forms shall be purchased from local Excise officers.

(7) The licensee shall be bound to take over any Beer or Porter which remained as stock in hand belonging to the out-going licensee on the 1st January 1911, in the existing tavern, paying to the latter such compensation for the same as may be fixed by the Excise Commissioner.

(8) This lease shall not be transferable by sale, gift, mortgage or otherwise without the previous sanction of the Excise Commissioner.

(9) The vendor shall equally with the license-holder be responsible in the penalties herein set forth for breach of any of the conditions of the license.

(10) He shall sell Beer or Porter of approved quality. It may be sold to be drunk on the premises up to one reputed quart bottle at a time and shall not be allowed to be taken out of the premises.

(11) He shall not sell or give Beer or Porter in any quantity whatever directly or indirectly to any European or non-commissioned officer or private or soldier, nor to any European or East Indian woman connected with or related to men of these classes, nor allow him, her, or them, to drink Beer or Porter in his premises or grounds; he shall not permit drunkenness or disorderly behaviour in his shop or premises, and shall not suffer any gambling whatsoever therein, and shall not knowingly permit prostitutes or persons of notoriously bad character to meet or remain therein; he shall not wilfully harbour or conceal therein soldiers or others knowing or having reason to believe such soldiers or others to be deserters; he shall give information of suspicious characters to the Magistrate or Police officer; and he shall not sell or give Beer or Porter to any Police officer, Railway servant, or Excise officer, whilst on duty, or to any insane person.

(12) He shall fix in a conspicuous place outside of his shop a board on which shall be legibly painted his name, vendor's name, the number of his shop, and the article he is licensed to deal in.

(13) He shall not receive any articles whatsoever in barter or pledge, and payment for Beer or Porter shall be made in ready money only at not less than one and a half rupee per imperial gallon and proportionately for fractions thereof.

(14) The Beer or Porter sold under this license shall be brewed from good materials and its quality shall be such as to satisfy the Excise Commissioner, and shall be of the same quality and density as purchased from the Brewer, without dilution or adulteration. Wort shall not exceed 1,073°. The Beer or Porter sold shall not contain more than 8 per cent alcohol by volume. The licensee will be bound to pay duty, together with local cess, at the prescribed rate per gallon of proof spirit on all alcohol in the Beer or Porter in excess of 8 per cent by volume, besides being liable for prosecution. Samples of such Beer or Porter shall be sent duly bottled from the tavern for examination and test whenever required by the Excise Department.

(15) Any Magistrate having local jurisdiction, or any officer acting under his warrant or Excise officer shall be allowed entry to the shop at any hour to test the Beer or Porter on the premises and examine the shop accounts, which it shall be the duty of the license-holder and vendor to keep and produce. Such accounts shall be true and correct, and written up daily in the prescribed forms. All condemned Beer shall be destroyed.

(16) He shall close his shop by 9 P.M., and not open it before sunrise, except on special permit in cases of Native festivals, etc.

(17) Beer brought for the Commissariat Department and rejected by the Military or other Departments, shall not, under any circumstances, be forwarded for sale in the tavern.

(18) The shop shall have only one door, and no window be allowed to the rear or ends of the building; the bar where the liquor is sold from, shall be opposite to the entrance door, and so situated that all persons inside can be seen by any one passing to and fro in the street; and no second room shall be allowed to be kept open for customers.

(19) The licensee shall be bound by the rules in force, and which may be issued from time to time by Government.

8. In the case of any breach of the above conditions either by the licensee, or with his connivance and privity by any person in his employment, or in the event of the licensee neglecting to open his tavern or to carry on his business with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee a fine not exceeding Rs. 10 for every such breach or neglect, or at the option of the Deputy Commissioner, to declare the money deposited with him forfeited, and to cancel the license and to resell the privilege or to otherwise dispose of it at the risk of the licensee; and all loss thereby caused, together with the loss accruing to Government in consequence of the licensee not carrying on his business by opening his tavern on 1st January 1911, shall be made good by him. When a license is cancelled, the vend fee for the remaining period of the lease calculated on the average consumption of the previous three years advertised in the Schedule shall be payable at once and in default of payment shall be recovered with all losses as if they were arrears of land revenue.

10. The penalties laid down in the last preceding clause shall not exempt the licensee or his employees from prosecution for any offence committed against the Excise laws in force.

Date of sale.

Kolar Gold Fields shop—at Kolar Gold Fields Magistrate's Court, on Saturday the 10th December 1910.

H. H. SPARKES,
Excise Commissioner in Mysore.